

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

NELSON LORA-PENA,

Plaintiff,

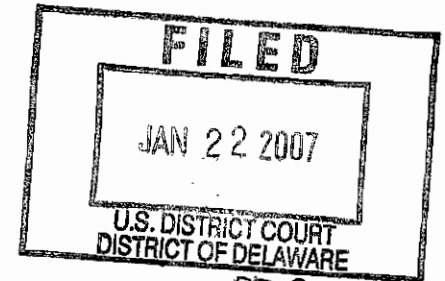
vs.

FEDERAL BUREAU OF INVESTIGATIONS et al.,

Defendants.

)
)
) Civil No. 1:06-cv-442
)
)
)

REQUEST FOR ENTRY OF DEFAULT




To: Clerk of the United States District Court for the District of Delaware: BD Scanner

You will please enter the default of the named defendants in this action, Robert Denney, Jack Leo, William David, Thomas Davis, and officers Fletcher, Daily, Bowers and Hahn, for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure, Rule 55(a), as appears from the attached affidavit of Nelson Lora-Pena.

Dated: January 18, 2007

Respectfully submitted,



Nelson Lora-Pena
Reg. No. 03883-070
United States Penitentiary Canaan
P.O. Box 300
Waymart, Pennsylvania 18472

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

NELSON LORA-PENA,

Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATIONS et al.,

Defendants.

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) Civil No. 1:06-cv-442
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)
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State of Pennsylvania)

County of Wayne)

ss.: AFFIDAVIT IN SUPPORT OF
REQUEST FOR ENTRY OF DEFAULT

Plaintiff Nelson Lora-Pena, being duly sworn, deposes and says:

1. I am the plaintiff in the above entitled matter.
2. On July 20, 2006, appearing pro se, I filed the present action. On September 22, 2006, the Court reviewed the Complaint pursuant to 28 U.S.C., Section 1915A and dismissed the claims against the named United States agencies. (Doc. No. 4 at 8) The Individual Defendants were due to respond to the Complaint by December 18, 2006.
3. All of the Individual Defendants were members and/or acting as part of the United States Marshals Service Fugitive Task Force at the time of the events described in the Complaint and are believed to have requested that the United States Attorney's Office for the

District of Delaware to represent them in this matter. The United States Department of Justice acknowledged receipt of requests from the individual defendants, but claimed that it had not yet had an opportunity to process those requests. Accordingly, on December 15, 2006, the United States Attorney's Office moved this Court for an extension of time with which to respond to the Complaint. Said motion was granted by the Court, giving each individual defendant a response due date of January 17, 2007.

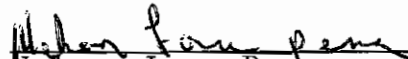
4. The named individual defendants were served with a copy of the summons and Complaint as appears from the proof of service on file with the Court.

5. To date, neither the individual defendants nor the United States Attorney's Office for the District of Delaware have filed or served an answer nor have either of them taken any other action as may be permitted by law although more than 60 days have passed since the date of service, and 32 days have passed since requesting an extension of time to respond.

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Further Affiant Sayeth Naught.

Respectfully submitted,



Nelson Lora-Pena
Reg. No. 03883-070
United States Penitentiary Canaan
P.O. Box 300
Waymart, Pennsylvania 18472

SWORN UNDER PENALTY OF PERJURY

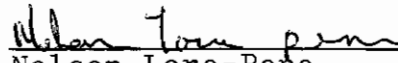
I, Nelson Lora-Pena, hereby certify under the laws of the United States of America, pursuant to 28 U.S.C., Section 1746(2), that the foregoing statements in this written instrument are true and correct.

CERTIFICATE OF SERVICE

I, Nelson Lora-Pena, hereby certify that I caused an original of the within document to be served upon:

Clerk, United States District Court
for the District of Delaware
United States Courthouse (LockBox 44)
844 King Street
Wilmington, Delaware 19801

by sending the same by regular mail, addressed as above, and hand delivered to USP Canaan prison officials (mail room) for deposit in the United States Post Office, first class postage prepaid, at Waymart, Pennsylvania, on January 18, 2007.

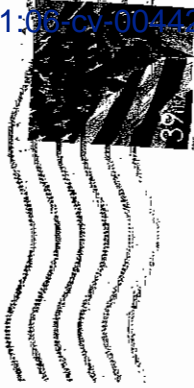


Nelson Lora-Pena

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Reg. No. 03883-070
United States Penitentiary Canaan
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19801

[SPECIAL MAIL]

